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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:  
**JAMISON HAMLIN DYER**  
DEBTOR

CASE NO.: 24-31651  
CHAPTER 13

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JAMISON H. DYER,	§	ADVERSARY NO.: _____
Plaintiff,	§	
vs.	§	
LINDA CARUSO, Ind. and as a Member and	§	
Director of CARUSO INVESTMENT	§	
GROUP LLC; JOHN CARUSO, a/k/a JOHN	§	
R. CARUSO, Ind. and d/b/a CARUSO	§	
INVESTMENT GROUP LLC;	§	
BRIAN A. SPITZ; Ind. and as the Managing	§	
Member of OFF MARKET, LLC, and as	§	
President and Director of BIG STATE HOME	§	
BUYERS, LLC; OFF MARKET, LLC; and its	§	
Parent Company, NEST NETWORK, LLC,	§	
Parent Company of OFF MARKET, LLC; BIG	§	
STATE HOME BUYERS, LLC;	§	
ALEJANDRO SANCHEZ;	§	
TIFFINY CARROLL (SCOTT), Ind. and in her	§	
capacity as Assistant Vice President and Senior	§	
Escrow Officer for FIDELITY NATIONAL TITLE	§	
AGENCY, INC.; FIDELITY NATIONAL TITLE	§	
AGENCY, INC.;	§	
TEXAS FLIPCO FINANCIAL, LLC, and FLIPCO	§	
HOLDCO, LLC, Parent Company of TEXAS	§	
FLIPCO FINANCIAL, LLC,	§	
Defendants.	§	

**NOTICE OF REMOVAL OF CIVIL ACTION TO BANKRUPTCY COURT**

**TO THE HON. MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:**

NOW COMES Jamison H. Dyer, Debtor, and files his Notice of Removal of Civil Action to Bankruptcy Court of the lawsuit styled Jamison H. Dyer vs. Linda Caruso, Ind. and as a Member and Director of Caruso Investment Group LLC; John Caruso, a/k/a John R. Caruso, Ind. and d/b/a Caruso Investment Group LLC; Brian A. Spitz, Ind. and as the Managing Member of Off Market, LLC, and as President and Director of Big State Home Buyers, LLC; Off Market, LLC; and its Parent Company, Nest Networks, LLC; parent company of Off Market LLC; Big State Home Buyers; LLC; Alejandro Sanchez; Tiffiny Carroll (Scott), Ind. and in her capacity as Assistant Vice President and Senior Escrow Officer for Fidelity National Title Agency, Inc; Fidelity National Title Agency, Inc; Texas Flipco Financial, LLC, and Flipco Holdco, LLC, Parent Company of Texas Flipco Financial, LLC; Cause No. 2023-08753; pending in the 127<sup>th</sup> Judicial District Court of Harris County, Texas.

1. Debtor is the Plaintiff in the above-entitled state-court action.
2. This action is pending in the 127<sup>th</sup> Judicial District Court of Harris County, Texas under Cause No. 2023-08753 and a Suggestion of Bankruptcy has been filed.
3. On April 12, 2024, Debtor filed his bankruptcy petition for relief under Chapter 13 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of Texas, Houston Division.
4. This is a case over which this Court has jurisdiction under 28 U.S.C. § 1334.
5. The initial state court filing involved:

- a. a petition to recover a homestead;
- b. breaches of fiduciary duties;
- c. statutory fraud;
- d. common law unreasonable collection efforts;
- e. violation of the Texas Fair Debt Collection Act;
- f. Conversion of both real and personal property;
- g. Trespass to Try Title and Quiet Title Action claims under state law; but

will be amended to allege avoidance of sale under 11 U.S.C. §§ 547 and 548 as it relates to homestead claims under § 522(h) of the Bankruptcy Code and is therefore removable to the United States Bankruptcy Court for the Southern District of Texas, Houston Division. There are additional defendants against whom monetary claims will be filed and who will be added in the amended petition, in addition to the present defendants.

6. This removal action is timely and is filed within the time requirements of Bankruptcy Rule 9027(a)(2).

7. A list of the certified copies of the live and important pleadings currently on file with the Clerk of the District Court of Harris County, Texas, are:

- a. Exhibit 1 - Fourth Amended Petition filed on December 4, 2023, with attached exhibits;
- b. Exhibit 2 - Supplement to Fourth Amended Petition filed on December 7, 2023, with attached exhibits;
- c. Exhibit 3 - Plaintiff's Suggestion of Bankruptcy with Exhibit A Image filed on April 12, 2024;

d. Exhibit 4 - Notice of Lis Pendens filed on April 16, 2024.

8. Debtor will give written notice of the filing of this Notice of Removal to all parties listed below as determined from the current bankruptcy docket and the state court defendants, and will file a copy of the Notice of Removal with the Clerk of the 127<sup>th</sup> District Court of Harris County, Texas.

9. The adversary proceeding to be filed (as per the amended claims to be asserted) will involve core proceedings, principally the Title 11 avoidance claims but Debtor will agree to provide consent for entry of final order or judgment by this Bankruptcy Judge on all non-core claims.

10. The name and address of each party and his/her respective attorney to the best of Plaintiff's knowledge, are as set out in the Certificate of Service as set out below:

David Peake  
Chapter 13 Trustee  
515 Rusk St # 3516, Houston,  
TX 77002  
via electronic delivery to  
Court@PeakeCh13Trustee.com

U. S. Trustee  
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Texas Flipco Financial,  
LLC, and Flipco Holdco,  
LLC, Parent Company  
of Texas Flipco  
Financial, LLC, to W.  
Keith Maxwell, III, at  
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Brian A. Spitz, Ind. And as  
Managing Member of Off  
Market, LLC, and as  
President and Director of  
Big State Home Buyers,  
LLC, Off Market, LLC, and  
its Parent Company, Nest  
Networks, LLC, to counsel  
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Respectfully submitted,



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Counsel for Debtor

Certificate of Service

I hereby certify that on April 17, 2024, I sent a true and correct copy of the Notice of Removal of Civil Action to Bankruptcy Court, to the below-listed parties by electronic service, through the Court's Pacer system, or, as indicated, by First Class United States Mail, postage prepaid.



Susan C. Norman

David Peake  
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Financial, LLC, to W.  
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Brian A. Spitz, Ind. And as  
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